

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No. 20421 of 2003

Order:

The question that falls for consideration in the writ petition is as to the legality and validity of the order of rejection of his candidature by the Superintending Engineer whereunder he rejected the case of the petitioner for appointment as LDC/Typist/Sub-Engineer/JLM (ST only) under 50 per cent quota as per B.P.Ms.No.36 dated 18-5-1997.

The case of the petitioner is that he worked as casual labourer under a Contractor of the respondent organization as on the crucial date i.e., 18-5-1997 and as such he is entitled to be considered for appointment.

In an earlier round of litigation, the petitioner has approached this Court and this Court directed the respondents to consider the case of the petitioner and if found eligible appoint him in the respective posts. Under the present impugned order, his case has been rejected on the following ground:

“You are not on rolls as on 18-5-1997”.

Aggrieved by the said rejection orders, the present writ petitions is filed.

Heard the learned counsel for the petitioner and the learned Standing counsel for the respondents.

The learned counsel for the petitioner submits that the impugned rejection order is passed without giving any valid reason. Though the learned Standing Counsel for the respondents-APSEB contends that the L.S. agreement and other connected records do not indicate that the petitioner is not on rolls as on that day, the rejection order, however, does not indicate the details of LS agreement, such as commencement of work and ending of work. These are the matters to be reconsidered by the Chief General Manager of the respondent

organization with the relevant records.

The learned Standing counsel submits that as per the bio-data submitted by the petitioner and on verification of the same by the respondents, the respondents found that the petitioner is not on rolls as on 18-5-1997, therefore, they have passed the impugned order.

At this stage, both the counsel agreed that the Court may dispose of the writ petition with a direction to the Chief General Manager of the respondent organization to reconsider the issue with relevant records. The learned counsel for the petitioner sought liberty to produce relevant documents to substantiate his claim that he was on rolls as on the cut off date i.e., on 18-5-1997.

Having regard to the facts and circumstances of the case and in view of the agreed stand taken by both the counsel, I deem it proper to dispose of the writ petition with the following directions:

1. The petitioner is at liberty to produce all the relevant material before the Chief General Manager of the respondent organization on or before 24.02.2007 to substantiate his claim.
2. On receiving such material, the Chief General Manager is directed to reconsider the case of the petitioner in the light of the material to be produced by the petitioner and the record available with them and pass a speaking order as expeditiously as possible.

With the observations as above, all the writ petition is disposed of. There shall be no order as to costs.

N.V.RAMANA, J

Date: 2nd January, 2007
ISL/KSR